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March 29, 2017

**BY ECF:**

Honorable Valerie E. Caproni  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re: United States v. Percoco, et al., 16 Cr. 776 (VEC)**

Dear Judge Caproni:

We represent Peter Galbraith Kelly, Jr. in the above matter. We respectfully submit this letter on behalf of Mr. Kelly and codefendant Joseph Percoco in response to the Government's letter, dated March 28, 2017, regarding both its proposal to respond to two requests for bills of particulars after the April 6 conference and the re-production of "Energy Company" emails.

Taking the more important issue first, the Government states it intends to wait until just after the April 6 conference to respond to two requests for bills of particulars, each less than three pages, that it received weeks ago. The Government offers no reason why it is unable to respond by April 4, offering only that it continues "to analyze" our requests. To the extent the Government's letter reflects that it will reject requests, its response can be made now. As we stated previously, the difference between the two dates proposed by the parties is that the April 10 date will impair our ability to advise the Court at the conference regarding how long substantive motions will take to prepare.

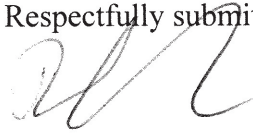
As to the Energy Company documents, after we alerted the Court to the issue, the Government advised that it would re-produce the files with metadata by April 5. The defense and the Court are thus fully updated as to the status of that matter. Thus, the defense need not respond to the Government's remarks about the Energy Company's production of a portion of Energy Company documents to Mr. Kelly alone, except to note that this production neither lessened the Government's discovery obligations nor benefitted Mr. Percoco, on whose behalf our earlier letter was sent. And as to Mr. Kelly, the absence of metadata from the production

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impeded any meaningful analysis or cross comparison against the smaller set of documents obtained through the Energy Company.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'DM Gitner', written over the closing text.

Daniel M. Gitner

CC:

All Counsel (by ECF)